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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,074	10/27/2003	Nathan R. Belk	073670.0183	3795

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EXAMINER

YENKE, BRIAN P

ART UNIT                      PAPER NUMBER

2622

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



*Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-11 and 26-27, are drawn to an integrated channel filter/tuner to reduce a 1<sup>st</sup> number of channels down to a 3<sup>rd</sup> number of channels, classified in 348/725.
  - II. Claims 12-25 are drawn a filtering system/method to provide an reduced channel intermediate output signal, classified in 333/174.
2. Inventions of Group I and Group II are related as combination and subcombination disclosed as useable together in a single combination. Inventions in this relationship are distinct if it can be shown that the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and that the subcombination has utility by itself or in other combinations. The combination (Group I) discloses an integrated circuit/system which filters/tunes an input signal into a desired channel. The subcombination (Group II) discloses a filtering system/method for providing an intermediate 2<sup>nd</sup> number of channels from a receiving input comprising a 1<sup>st</sup> number of channels. In the instant case, the combination (Group I) as claimed does not require the particulars of the subcombination (Group II) as claimed because the claims to both the combination and subcombination are presented and assumed to be patentable. The omission of details of the claimed subcombination (Group I) in the combination claim (Group II) is evidence that the patentability of the combination does not rely on the details of the specific combination. The subcombination (Group I) has separate utility since the

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subcombination may be used for filtering a signal which does not require a tuner.. See (MPEP 806.05(c)).

3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.43).

5. Applicant is reminded that upon cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(571)-273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is

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An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order certain documents. Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00p.m. EST/EDT, Monday-Friday excluding federal holidays.


For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

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The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS). PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



B.P.Y  
02 June 2006



BRIAN P. YENKE  
PRIMARY EXAMINER